

Fremont Conservation Commission
10-06-08 Minutes



Fremont Conservation Commission
Minutes of October 6, 2008
Approved October 20, 2008

Present: Chairman John (Jack) Karcz, Members Janice O'Brien, Bill Knee and Recording Secretary Meredith Bolduc.

Member Tina Sturdivant joined the meeting at 8:05 pm.

Member Pat deBeer joined the meeting at 8:43 pm.

Chrm. Karcz opened the meeting at 7:40 pm.

MINUTES

Mbr. O'Brien made the motion to accept the minutes of the September 22, 2008 meeting as written. The motion was seconded by Mbr. Knee with unanimous favorable vote.

PRIME WETLAND

Chrm. Karcz reported that Don Dollard has delivered updated Town Map Sets. The newly adopted prime wetlands are included on the map, but were not numbered and Mr. Dollard has agreed to add the numbers and submit another copy of the prime wetland map for the Town sets and send an electronic copy to Mark West. Mrs. Bolduc said that during a phone conversation this morning Mr. West said that he has to review the map to make sure the wetlands are selected properly and, if they are, then he would submit the map to DES with a package that would include his report and a cover letter. Mr. West affirmed that he will produce a final aerial overlay map for the Town and submit all original aerial pictures.

TREASURERS REPORT

Chrm. Karcz reported that the Commission received the Conservation account balances as of October 2, 2008 as submitted by Town Treasurer Kimberly Dunbar. The Current Use Fund account reflected a \$350 payment to West Environmental relative to the Prime Wetland project. Interest earned was reflected in all accounts.

BETTENCOURT/EXETER RIVER CAMPING AREA

Map 2 Lot 029

Chrm. Karcz reported that the Commission received a comment sheet from the ZBA for the Estate of Frank Bettencourt, Sr. /Exeter River Camping Area. Mrs. Bolduc explained that the is second comment sheet that has been sent to the Town Boards and Commissions who received one for the

Fremont Conservation Commission

10-06-08 Minutes

original request for a Use Variance to Article III Section 1-D.2 and may wish to issue further comment because, while the request for a Use Variance to re-establish a lapsed non-conforming use is the same as the original request, it is now for a Use Variance from different Articles and Sections of the Ordinance. The property lies within the Wetland and Watershed Protection District; Article IX Section E does not include a campground as a permitted use in the Wetland and Watershed Protection District so part of the request is to allow this campground as a permitted use under the Article; The property is in the "Flexible Use Residential" zoning district and Article XVIII Section 4.1.1. requires a Conditional Use Permit by the Planning Board for commercial operations on specific roads identified on the Zoning District Map (the property boundary does not border a specified road) so the request for a Variance from this Article is to allow the applicant to re-establish the campground without the Conditional Use Permit and without location on a specified road.

Members O'Brien and Knee felt that it would be beyond the jurisdiction of the ZBA to grant a variance in this case because the property would clearly come under the Comprehensive Shoreland Protection Act of the State and the State would have jurisdiction over the intended use. Mr. Knee offered concerns that this should be heard by the State of NH pursuant to the Shoreland Protection Act. He said that the Conservation Commission finds it contrary to the spirit of the ordinance to add this campground as a permitted use to the terms of Art IX Section E.

The outcome of the lengthy discussion relative to the comment sheet is that a document addressing each of the 5 conditions will be drafted for review at the October 20, 2008 meeting and submitted to the ZBA.

NON-PUBLIC

At 8:32 pm Mbr. O'Brien made the motion to enter into non-public session, pursuant to NH RSA 91-A: 3 II (e), to review legal advice relative to a Zoning Ordinance draft.

Mbr. Sturdivant seconded the motion which was unanimously approved 4-0.

The Members agreed to ask Town Counsel if he could provide verbiage to amend the Aquifer Protection District Ordinance relative to the regulation of large extractions of water.

At 8:43 pm Mbr. O'Brien made the motion to return to public session.

The motion was seconded by Mbr. Sturdivant and unanimously approved 4-0.

ERLAC

Signs

Mbr. Sturdivant said that the protected river sign at the rail trail will be in place soon.

GREAT DAM – EXETER

Mbr. deBeer reported that she attended the Exeter Selectmen's meeting earlier this evening. The topic is the Town of Exeter and DES working together to do a feasibility study regarding removing the Great Dam in Exeter.

Fremont Conservation Commission

10-06-08 Minutes

CONSERVATION BOND

Chrm. Karcz said the he has spoken with Phil Auger relative to the Conservation Bond that was voted in 2006. There was a conversation relative to finding out if it is possible that the Bond could run out. Chrm. Karcz said the he has spoken with Town Administrator Heidi Carlson who said that she will find out if the bond could have an expiration time.

INCOMING CORRESPONDENCE

1. A September 10, 2008 correspondence from Tim Albers, Program Director for the Student Conservation Association's NH Conservation Corps relative to crew and resource intern requests from community organizations for the 2009 summer and fall season projects. Mr. Albers sent a "Crew Request Form" for the Commission's convenience. The Members agreed to take the information home to review and discuss it at the next meeting.
2. Notice of the November 1, 2008 NH Association of Conservation Commissions Annual Meeting.

Mbr. O'Brien made the motion to adjourn at 9:25 pm.

Motion seconded by Mbr. Sturdivant with unanimous favorable vote.

Meredith Bolduc
Recording Secretary